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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,758

11/17/2003

Ahmedulla Khaishgi

1018-002US04

3346

28863

7590

06/24/2005

SHUMAKER & SIEFFERT, P. A.

8425 SEASONS PARKWAY

SUITE 105

ST. PAUL, MN 55125

EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,758	KHAISHGI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 55-87 and 156-170 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-87 and 156-170 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Handwritten initials/signature*

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***Response to Amendment***

1. This is in response to an amendment/election file on April 18<sup>th</sup>, 2005. In the amendment, claims 1-54 and 88-155 have been canceled, and claims 156-170 have been added. Claims 55-87 and 156-170 are pending in the letter.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 55-87 and 156-170 are rejected under 35 U.S.C. 102(e) as being anticipated by Noll et al (U.S. PG Pub 2002/0022970).

4. As per claim 55, Noll et al teach a method of communicating a commitment made by an online entity in an online marketplace to a selling practice, the commitment communicated to a potential buyer in the online marketplace, the method comprising accepting the commitment by the online entity in the online marketplace to the selling practice; and delivering a media object to a device for presentment to a user, the media object unique to the online entity and representative of the commitment (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

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5. As per claim 56-60, Noll et al teach a method wherein the selling practice comprises use of an online payment system and a buyer guarantee that is monetary, service delivery monetarily backed, provided by a third party (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

6. As per claim 61, 62, Noll et al teach a method wherein the online entity selects a guarantee level with different prices to the online entity (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

7. As per claim 63, Noll et al teach a method wherein the delivering is optional with the online entity (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

8. As per claim 64, Noll et al teach a method wherein accepting the commitment comprises accepting the commitment online (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

9. As per claim 65, Noll et al teach a method wherein the media object is an electronic seal (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

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10. As per claim 66, Noll et al teach a method delivering a media object supplied by an system associated with an online marketplace (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

11. As per claim 67, Noll et al teach a method wherein the media object unique to the online entity which is representative of the commitment is presented together with the media object supplied by the operator of the online marketplace (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

12. As per claim 68, Noll et al teach a method of allowing the user to request information regarding the commitment using the media object; and delivering information representative of the commitment to the user (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

13. As per claim 69-73, Noll et al teach a method wherein the allowing accomplishing by allowing the user to click on the media object to include a marketplace identification or a business name for the online entity, information specific to a program within an online marketplace, a particular sub-marketplace of the marketplace information for a specific result displayed through a search engine (*see fig 1, 2, 3 and their respective paragraphs and paragraphs 0050-0055, 0058-0062*).

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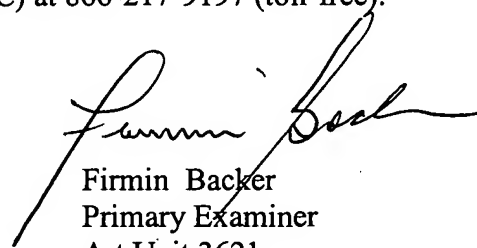
14. As per claims 74-87 and 156-170, they disclosed the same inventive concept as claims 55-73 and are taught the cited reference. Therefore they are rejected under the same rationale.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

June 17, 2005